

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT GIST,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/28/2020

19-cv-5095-GHW

16-cr-656-6-GHW

ORDER


GREGORY H. WOODS, United States District Judge:

The parties have fully briefed Mr. Gist's petition for habeas corpus relief pursuant to 28 U.S.C. § 2255. However, the Court notes that Mr. Gist's counsel raised a new argument in his August 17, 2020 reply letter. *Gist v. United States of America*, No. 1:19-cv-05095-GHW, Dkt. No. 39. Mr. Gist now appears to assert that Mr. Goldsmith, his previous attorney, provided ineffective assistance of counsel in advising Mr. Gist to accept and, later, not withdraw the plea agreement. *Id.* at 4-5. Because this argument was not raised in Mr. Gist's initial petition, which was filed *pro se*, the Government is invited to file a sur-reply to address this argument by no later than November 6, 2020.

The parties should expect to address all grounds raised by Mr. Gist in his petition papers at the anticipated evidentiary hearing.

SO ORDERED.

Dated: October 28, 2020
New York, New York


GREGORY H. WOODS
United States District Judge